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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/416,959	10/13/1999	MAKOTO YOSHIDA	501.35437VX1	6819

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EXAMINER

POMPEY, RON EVERETT

ART UNIT

PAPER NUMBER

2812

DATE MAILED: 06/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/416,959

Applicant(s)

YOSHIDA ET AL.

Examiner

Ron E Pompey

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 April 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 42-49 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 42-49 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____. 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 42-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wu et al. (US 4,859,619) in further view of Ho (US 4,954,214) and Tseng (US 6,090,700) or Lee (US 5,748,521) .

Wu discloses the steps of:

first MISFETs (65, fig. 6) arranged in said first portion;

second MISFETS arranged in said second portion;

a plurality of conductor plugs (81, fig. 7) formed in said insulating film in said first and second portions;

a first conductive strip (81, fig. 7) formed on said insulating film in said first portion and electrically connected to one of a source and a drain region of said first MISFETs by said conductor plugs; and

a second conductive strip (81, fig. 7) formed on said insulating film in said second portion and electrically connected to one of a source and a drain region of said second MISFETs by said conductor plugs (col. 4, ln. 39 – col. 5, ln. 22) .

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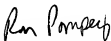
Wu discloses the claimed limitations except wherein the second opening in the second insulating film is formed over the first conductor plugs formed in one of said first openings in the first insulating film or the specific materials of the conductor plugs. The examiner *takes official notice* that forming the second opening over the first conductor plug is a matter of design choice, because photolithographic techniques can form opening anywhere one skilled in the art prefers to put them (see Ho fig. 4c; col. 8, Ins. 35-45) and also the materials used are commonly known to be used in interconnect processing.

3. Wu fails to disclose some of the limitations of claims 42 and 47. However Lee and Tseng do disclose the limitations of:

wherein said first and second conductive strip is formed in a separate manufacturing step from said first conductor plugs (37, 39 fig. 3K, Lee reference; 34 A-C, fig. 11, Tseng).

Therefore one of ordinary skill in the art would want to planarized the conductor plugs in order to have level conductive strips for better electrical connection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ron E Pompey whose telephone number is (703) 305-3016.


Ron Pompey
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May 5, 2003


John F. Niebling
Supervisory Patent Examiner
Technology Center 2800